UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,418	04/27/2006	Takuji Maeda	P29854	3319

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EXAMINER
ALSIP, MICHAEL

ART UNIT	PAPER NUMBER
2186	

NOTIFICATION DATE	DELIVERY MODE
01/07/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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pto@gbpatent.com

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/577,418</td><td>Applicant(s)
MAEDA ET AL.</td><td></td></tr>
<tr><td>Examiner
MICHAEL ALSIP</td><td>Art Unit
2186</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 May 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>24-46</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>24-46</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 April 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>7/14/2006, 8/29/2006 and 8/25/2008</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Specification

1.　　　The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2.　　　The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.　　　**Claim 34** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.　　　**Claim 34** states that either information about position or size is received, however the claim language then states that the information about position is used to effect the movement of data from the second storage area to the first, therefore it appears to the examiner that position information must be received and is not optional as the or statement of the claim suggests. Appropriate correction or explanation is required.

Claim Rejections - 35 USC § 102

1.　　　The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 24-46** are rejected under 35 U.S.C. 102(b) as being anticipated by Ouchi et al. (JP 2000181784), the English translation will be referenced and provided in with this action.

3.   Consider **claim 24**, Ouchi et al. discloses an information recording medium for storing data managed by a file system, to/from which data is written/read via a command received from outside, the information recording medium comprising (¶'s [0024], [0033] and [0039]): a receiving section operable to receive a command and data from outside ([0024], [0033] and [0039], where the flash memory card receives commands and data from outside); a first recording area in which data writing is managed in first access unit; a second recording area in which data writing is managed in second access unit larger than the first access unit (¶'s [0018]-[0020] and [0044], where the buffer 19 and memory chip 13 are the first recording area and the buffer 19 and memory chip 14 are the second recording area); and a controller operable to control access to the first or second recording area according to the received command; wherein when receiving a write command (¶'s [0028], [0035] and [0038]), the controller controls the access so as to select the first or second recording area depending on a data type of the received data and to write the received data to the selected area (¶'s [0038-[0040] and [0051]-[0053]).

4.   Consider **claim 25**, as applied to **claim 24** above, Ouchi et al. discloses wherein the first recording area stores file system management information necessary for

managing the file in the file system, and the second recording area stores entity data of the file managed by the file system (¶'s [0012] and [0086]-[0088]).

5.   Consider **claim 26**, as applied to **claim 25** above, Ouchi et al. discloses wherein the data type includes a type indicating entity data, and a type indicating file system management information (¶'s [0009], [0012], [0028], [0082] and [0088]).

6.   Consider **claim 27**, as applied to **claim 24** above, Ouchi et al. discloses further comprising an area for storing the address management information for managing correspondence of physical address and logical address of the first and second storage areas (¶'s [0009]-[0012], [0042] and [0048]).

7.   Consider **claim 28**, as applied to **claim 27** above, Ouchi et al. discloses wherein the address management information includes information about write position of data (¶'s [0009]-[0012], [0042] and [0048]).

8.   Consider **claim 29**, as applied to **claim 24** above, Ouchi et al. discloses wherein the data type is specified by an argument of the command, and the controller judges the data type on the basis of the value of the argument (¶'s [0025], [0028]-[0029] and [0090]-[0099]).

9.   Consider **claim 30**, as applied to **claim 24** above, Ouchi et al. discloses wherein the first recording area and second recording area are provide on mutually different storage devices (¶ [0029], [0042] and [0107]).

10.   Consider **claim 31**, as applied to **claim 30** above, Ouchi et al. discloses wherein the different storage devices have different characteristics of rewrite life (¶'s [0007], [0013]-[0015] and [0107]).

11.   Consider **claim 32**, as applied to **claim 24** above, Ouchi et al. discloses wherein the controller judges the data type on the basis of a write position of the data (¶'s [0044], [0051]-[0060]).

12.   Consider **claim 33**, as applied to **claim 32** above, Ouchi et al. discloses wherein the receiving section receives from outside information about position or size of the file system management information which is necessary for managing the file in the file system, the information recording medium further includes a FS management information register operable to hold the information about position or size of the received file system management information, and the controller judges the data type on the basis of the value of the FS management information register when receiving the write command (¶'s [0025], [0028]-[0029], [0038] and [0090]-[0099]).

13.   Consider **claim 34**, as applied to **claim 33** above, Ouchi et al. discloses the information recording medium according to claim 33, which, when receiving the information about position or size of file system management information, judges whether the received position of the file system management information is included in the second recording area, and if included, moves data of predetermined size including the received position from the second recording area to the first recording area (¶'s [0015], [0055]-[0063], where if data is to be written to a sector in memory chip 14 of the second storage area, data present in the cluster is moved to the buffer (which is part of both the first and second storage area), old data eliminated and all the data is moved back to the memory chip 14).

14.   Consider **claim 35**, as applied to **claim 34** above, Ouchi et al. discloses wherein, when the first and second recording areas are provided on nonvolatile storage devices having predetermined data erase units, the predetermined size is same as the size of the larger data erase unit (¶'s [0015], [0055]-[0063], where the size of the data evacuated to the buffer is the same size of the cluster stored on memory chip 14).

15.   Consider **claim 36**, as applied to **claim 33** above, Ouchi et al. discloses wherein when receiving a write command, the controller judges the data type by comparing the value of FS management register with the write address specified by the write command (¶'s [0057]-[0060]).

16.   Consider **claim 37**, as applied to **claim 24** above, Ouchi et al. discloses wherein the first and second storage areas are provided on the same storage device (¶ [0029], [0042] and [0107]).

17.   Consider **claim 38**, as applied to **claim 24** above, Ouchi et al. discloses comprising: a slot for loading the information recording medium; an access control section operable to control writing and reading of data in the information recording medium loaded in the slot; and a file system control section operable to control the file system established on the information recording medium loaded in the slot, and transmit data and information about the data type to the information recording medium, when writing to the information recording medium (¶'s [0033], [0038]-[0041] and [0106]-[0107]).

18.   Consider **claim 39**, as applied to **claim 38** above, Ouchi et al. discloses wherein the file system control section specifies, as the data type, a type indicating data entity or file system management information ([0009], [0012], [0082] and [0088]).

19.   Consider **claim 40**, as applied to **claim 33** above, Ouchi et al. discloses comprising: a FS management information notice section operable to inform the information recording medium of information about position and size of file system management information, wherein the FS management information notice section informs the information recording medium of information about position and size of file system management information, prior to writing of the file system management information (¶'s [0025], [0028]-[0029] and [0090]-[0099]).

20.   Consider **claim 41**, Ouchi et al. discloses a control method of information recording medium, for managing data stored in the information recording medium with a file system, comprising: managing writing of data to a first recording area in first access unit; managing writing of data to a second recording area in second access unit larger than the first access unit; receiving data and a write position together with a write command; selecting either one of the first and second recording areas as data writing area depending on data type of the received data; and writing the received data to the selected area (¶'s [0018]-[0020] and [0090]-[0099]).

21.   Consider **claim 42**, as applied to **claim 41** above, Ouchi et al. discloses wherein the data type includes a type indicating entity data of the file managed by the file system, and a type indicating information necessary for management of the file in the file system (¶'s [0009], [0012], [0028], [0082] and [0086]-[0088]).

22.   Consider **claim 43**, as applied to **claim 41** above, Ouchi et al. discloses wherein further comprising receiving information about data type together with a write command, and judging the data type on the basis of the received information about data type (¶'s [0025], [0028]-[0029] and [0090]-[0099]).

23.   Consider **claim 44**, as applied to **claim 41** above, Ouchi et al. discloses wherein the data type is judged on the basis of the write position of the data(¶'s [0044], [0051]-[0060]).

24.   Consider **claim 45**, as applied to **claim 24** above, Ouchi et al. discloses comprising transmitting information about data type of writing data to the information recording medium together with a write command (¶'s [0038]-[0040] and [0051]-[0053]).

25.   Consider **claim 46**, as applied to **claim 33** above, Ouchi et al. discloses comprising: transmitting information about position and size of file system management information to the information recording medium to set an area for storing the file system management information in the information recording medium; and transmitting a write command together with data and write address to the information recording medium to write the data (¶'s [0025], [0028]-[0029], [0038] and [0090]-[0099]).

Conclusion

26.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The pertinent art is provided in the PTO-892 accompanying this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ALSIP whose telephone number is (571)270-1182. The examiner can normally be reached on Monday through Friday 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Michael Alsip
Examiner
Art Unit 2186

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Examiner, Art Unit 2186

December 31, 2008

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/Pierre-Michel Bataille/
Primary Examiner, Art Unit 2186

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